

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14774 of the People's Republic of China, pursuant to 11 DCMR 1000, for permission under Section 1001 and 1002 and a variance from the floor area ratio requirements (Sub-section 402.4) to expand a chancery in an R-1-B and R-5-C District at premises 2300-2310 Connecticut Avenue, N.W., (Square 2526, Lot 842).

HEARING DATE: April 27, 1988
DECISION DATE: April 27, 1988 (Bench Decision)

INTRODUCTION

The application was filed on behalf of the Peoples' Republic of China to construct an accessory structure to an existing chancery located at 2300-2310 Connecticut Avenue, N.W. The application was considered by the Board in accordance with the requirements of Section 1001 of the Zoning Regulations. Section 1001 was adopted by the Zoning Commission to implement Section 206 of the Foreign Missions Act (Title 11, Public Law 97-241, 96 Stat. 286, August 24, 1982). The public hearing was conducted as a rulemaking proceeding under Chapter 33 of the Supplemental Rules of Practice and Procedure before the Board of Zoning Adjustment.

APPLICATION

The Chancery of the Peoples' Republic of China is located at 2300-2310 Connecticut Avenue, N.W., where it has been located for approximately 15 years, pursuant to approval by the Board in Application Nos. 11468 and 11542. The building known as 2300 Connecticut Avenue was formerly operated as the Windsor Park Hotel, with 245 units, plus hotel adjuncts including restaurant, dining room, kitchen and gift shop. From 1948 until 1973, it was operated as a hotel serving a transient population. The building at 2310 Connecticut Avenue was built in 1923 and was formerly used as a hotel with 100 units plus adjuncts. There are 45-50 parking spaces on-site. Approximately 220 officers, staff and support personnel work at the chancery. Most of these personnel also live at the complex.

The applicant proposes to construct an accessory building entirely on the R-5-C portion of the site, behind 2310 Connecticut Avenue, which will include a swimming hall

on the lower level and a meeting hall on the upper level. These uses will be accessory to the chancery and are intended for the members of the mission.

The expansion of a chancery in the R-5-C District is permitted subject to disapproval of the Board of Zoning Adjustment after review based on the criteria set forth in Section 206(d) of the Foreign Missions Act and Section 1001 of the Zoning Regulations.

FOREIGN MISSION ACT CRITERIA

In considering the subject application, the Board must apply the specific criteria set forth in Section 206(d) of the Foreign Missions Act and Section 1001 of the Zoning Regulations as follows:

1. Sub-section 1001.2 The international obligation of the United States to facilitate the provision of adequate and secure facilities for foreign missions in the Nation's Capital.
2. Sub-sections 1001.3 and 1001.4 Historic preservation as determined by the Board in carrying out this section; and in order to ensure compatibility with historic landmarks and historic districts, substantial compliance with District and federal regulations governing historic preservation shall be required with respect to new construction and to demolition of or alteration to historic landmarks.
3. Sub-section 1001.5 The adequacy of off-street or other parking, and the extent to which the area will be served by public transportation to reduce parking requirements, subject to any special security requirements that may be determined by the Secretary of State, after consultation with federal agencies authorized to perform protective services.
4. Sub-section 1001.6 The extent to which the area is capable of being adequately protected, as determined by the Secretary of State, after consultation with federal agencies authorized to perform protective services.
5. Sub-section 1001.7 The municipal interest, as determined by the Mayor.
6. Sub-section 1001.8 The federal interest, as determined by the Secretary of State.

EVALUATION

With respect to the 6 criteria identified in the Regulations, the Board states the following:

1. The International obligation of The United States: By letter dated February 17, 1987, the Director of the Office of Foreign Missions of the Department of State, the delegated representative of the Secretary of State, determined that the international obligation of the United States to facilitate the provision of adequate and secure facilities for foreign missions in the Nation's Capital will be met by the approval of this application.

The Director of the Office of Foreign Missions states in his letter that the present facilities on the site lack provision for the recreational needs of the diplomatic staff. The proposed accessory structure will substantially improve the current facilities and provide a better living and working environment for the members of the mission.

With regard to the security of the facility, the Director of the Office of Foreign Missions states that the existing chancery has been adequately protected since it first located on the site. The ability to adequately protect and secure the embassy/chancery complex will not change with the addition of the proposed accessory swimming and meeting hall.

2. Historic Preservation: The subject site is neither an historic landmark nor located in an historic district. The proposed addition is, however, compatible with the height, design, bulk and use of other structures in the neighborhood. The project was reviewed in concept by the Commission of Fine Arts in 1987. By letters dated March 13, 1987 and March 11, 1988, the Commission stated that it had reviewed the project, and that it had no objection to the concept of the project. The Board finds that the addition is appropriate and consistent with the character of other properties in the neighborhood.

3. Parking and Transportation: Section 1001.5 requires the Board to consider the adequacy of off-street or other parking, and to the extent to which the area will be served by public transportation, subject to special security requirements as determined by the Secretary of State.

The proposed addition, as an accessory structure to the existing chancery complex, does not require any additional parking spaces. The Peoples' Republic of China currently has a total combined diplomatic and support staff of approximately 220 people working on the premises. The purpose of the accessory addition is not to increase the size of the chancery, but instead to serve the people already located

there. The Peoples' Republic of China has no intention of increasing the number of occupants upon completion of the proposed addition. Accordingly, the proposed addition will not generate more traffic to the site.

The chancery currently has approximately 45 to 50 parking spaces on the site. These parking spaces adequately meet the current parking needs of the site. Since the chancery's parking needs will not change as a result of the proposed addition, the site will continue to provide a sufficient amount of parking. A metrobus route map shows the site's convenient access to both bus and subway mass transit. The Board finds that the site is both well-served by public transportation and provides adequate off-street parking.

The Office of Foreign Missions, by letter dated February 17, 1987, stated that the parking meets security requirements and is appropriate for the site. The Office of Foreign Missions has determined that the parking is sufficient for the needs of the site and that there have been no security problems arising from the location or number of parking spaces on the site.

4. Protection: The Office of Foreign Missions has determined that the area is capable of being adequately protected. The site is already capable of being adequately protected, and the proposed addition will not alter the present ability of the facility to be protected.

5. Municipal Interests: The Director of the Office of Planning (OP), the delegated representative of the Mayor, by memorandum dated April 18, 1988, and by testimony at the hearing, recommended approval of the application. The Office of Planning reviewed the plans and application and stated its opinion that approval is not inconsistent with Sections 1001 and 1002 of the Zoning Regulations. Further, OP stated that as proposed, the addition to the chancery would not be expected to create any objectionable impacts on the traffic and parking situation in the area.

The Department of Public Works (DPW), by report dated April 20, 1988, stated that since the purpose of the accessory addition is not to increase the size of the chancery, but instead, to serve the people already located there, and since the existing chancery is already well-served by public transportation for visitors to the site, the proposed addition will not generate additional traffic to and from the site. DPW, therefore, had no objection to the proposal.

The application is compatible with the surrounding area. The subject site, which has been used for chancery purposes since 1973, is appropriate for the proposed addition since it is in close proximity to other chanceries and

foreign offices. The Portuguese Embassy/Chancery is adjacent to the site to the west, the Algerian and Ethiopian Chanceries are located directly across the street, and there are fifteen other foreign missions within a three block radius of the site.

Use of the open space at the rear of the site is an appropriate location for the proposed structure, particularly because the existing building will preclude visibility of the accessory structure from Connecticut Avenue. The only adjacent property which shares a common property line with the subject site is the Portuguese Embassy/Chancery complex. By letter dated April 4, 1988, the Portuguese Embassy stated that it had no objection to the project.

The proposed meeting and swimming hall was designed to be compatible with the surrounding area. The fenestration on the west wall of the addition was redesigned in response to the request of the Portuguese Embassy/Chancery, the neighbor most directly impacted by the proposed addition. The addition has also been designed to respect the surrounding area in terms of building materials. The predominant building material in the area is brick. The Commission of Fine Arts notes in its March 13, 1987 letter, that the proposed brick building material matches that on the former St. Albans apartment building located at 2310 Connecticut Avenue, now part of the Peoples' Republic of China Embassy.

The height, bulk and scale of the proposed accessory building will be compatible with the neighborhood. The proposed addition will be located in its entirety in the R-5-C District. The height of the proposed structure is forty-eight feet, which is below the ninety foot height limit in the R-5-C District, and in keeping with the chanceries and the ninety foot apartment buildings in the area. The proposed addition will bring the lot occupancy of the site to seventy percent, which is compatible with the other buildings in the area, and is below the seventy-five percent lot occupancy limit in the R-5-C District. Furthermore, the bulk of the proposed addition, although slightly greater than the floor area ratio (FAR) limit for the R-5-C District, will also be in keeping with the surrounding area. The Commission of Fine Arts has reviewed the project and has stated in its letter of March 13, 1987, that the location and massing of the proposed structure is appropriate.

The slight deviation in FAR is necessary in order for the project to be constructed. The existing building contains 185,552 square feet. The proposed structure would add 11,262 square feet to the site, bringing the total square footage to 196,814 square feet. The total gross floor area permitted under the Zoning Regulations would be 167,475 square feet. The proposed addition would therefore

be approximately 17.5 percent over the FAR standard for the R-5-C District.

An exceptional situation or condition exists on the site because of the subdivision history of the property; the presence of the existing structures on the site; the proposed addition needs to be connected to the existing building above-grade for functional efficiency and safety; and the zoning line crossing the property.

The property is comprised of three formerly separate lots. Two of the former lots are zoned R-5-C and the third is zoned R-1-B. These three separate lots have been combined into one tax lot, and a subdivision application to establish one record lot for the site is currently pending.

The two existing structures on the site are connected by an above-ground connector. The structure at 2300 Connecticut Avenue is, in effect, "over" the FAR for its former lot, and the structure at 2310 Connecticut Avenue is "under" the FAR for its former lot. Since the structures were connected, they have constituted one building for zoning purposes, with one FAR calculation. Because of these factors, the existing structures on the site are deemed to exceed the FAR standards for the site. For purposes of functional efficiency and security, the new proposed accessory structure will be connected to the existing building above-grade, rendering all structures on the site one building for zoning purposes. If the entire site were zoned R-5-C, no deviation from the FAR standards would be required.

To meet the FAR standards would impose a practical difficulty on the applicant. In order to meet the FAR standards, the connection between the two existing structures on the site would have to be sealed off and the former record lots would need to be recreated. The new accessory structure would then be connected only to 2310 Connecticut Avenue, and 2300 Connecticut Avenue. This would impose a practical difficulty because internal circulation between and among the buildings is important for the convenience and the safety of the residents and employees of the complex.

By letter dated April 8, 1988, the Sheridan-Kalorama Neighborhood Council (SKNC) recommended approval of the application. SKNC stated it had no objection to the application, as it would not adversely affect either the neighborhood as a whole or any of the individual residents. In addition, the SKNC stated that the facility would be an important source of recreation and entertainment for the many Chinese neighbors who work and live at 2300 Connecticut Avenue.

Three letters were filed in the record in opposition to the application on the grounds that the proposed expansion would create parking and traffic problems, that the Chancery constitutes a commercial use in a residential neighborhood, that the applicant has been responsible for dumping trash in Rock Creek Park, and that some of the residential units in the complex have inappropriate interior window treatment. The Board is of the opinion that parking and traffic issues have been addressed by the applicant and by the DPW, that the chancery use has been in existence for fifteen years and is not an intrusion into the neighborhood, that there is no evidence in the record that the applicant is responsible for dumping trash in the park, and that the interior decoration of the complex is not a zoning issue for the Board to determine.

6. The Federal Interest: The Office of Foreign Missions has determined that approval of the application would be consistent with federal interests in the Foreign Missions and International Organizations Element of the Comprehensive Plan, and would fulfill the international obligation of the United States to provide adequate and secure facilities for foreign missions in the Nation's Capital.

ADVISORY NEIGHBORHOOD COMMISSION

Advisory Neighborhood Commission (ANC) 1D submitted a written report dated April 15, 1988, that stated that it had considered this application at its meeting on February 18, 1987. The report stated that there was a split vote regarding the application: one commissioner voted to support the application, and the other voted against the application. The ANC's rationale for supporting the application was that the expansion would provide recreational facilities much desired by the Chinese without deleterious effects on the area; the design of the addition will be harmonious with nearby structures; no additional parking is required; and no added security problems are generated. The rationale against the application related to the design of the structure and historic preservation. The Board agrees with the ANC's rationale for granting the application and disagrees with its rationale against the application. The Board finds that the subject site is neither an historic landmark nor located in an Historic district, and that the design of the proposed addition is harmonious with nearby structures in the neighborhood.

DECISION


On the basis of the record before it and the criteria of Sections 1001 and 1002 of the Zoning Regulations, the Board determines that the standards of the Zoning

Regulations have been met by this application. Accordingly, it is hereby ORDERED that this application is APPROVED.

VOTE: 4-0 (Paula L. Jewell, Reginald Griffith, Charles R. Norris and Carrie L. Thornhill to approve; John G. Parsons not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Executive Director

JUL 15 1988

FINAL DATE OF ORDER: _____

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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